

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) FANSTEEL METALS, INC.,	)	
F/K/A FMRI, INC.	)	
	)	
Plaintiff,	)	
vs.	)	Case No. CIV-22-366-KEW
	)	
(1) CITIGROUP, INC.; and	)	
(2) CITIGROUP CORPORATION	)	
	)	
Defendants.	)	

**DEFENDANT CITIGROUP, INC.'S SECOND UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO ANSWER OR OTHERWISE  
RESPOND TO COMPLAINT [Dkt. 2]**

**COMES NOW** Defendant Citigroup, Inc. (“Citigroup”) by and through its counsel of record, and, while reserving all defenses as stated in the Third Joint Status Report, respectfully requests an extension to December 1, 2023, of its time to answer or file other responsive pleading to Plaintiff’s Complaint in this case.

1. The reasons for this request are stated in fuller detail in the Third Joint Status Report of the Parties filed on 8/22/2023, which is incorporated herein by reference. [Dkt. 37].

2. The current deadline for Citigroup to Answer or otherwise respond to Plaintiff’s Complaint is September 1, 2023.

3. Since the filing of the Second Joint Status Report, on May 22, 2023, there has been progress with respect to the Fansteel Site, which is at issue in this CERCLA action. For instance, as the Third Joint Status Report more fully describes, EPA and DOJ Enforcement have continued to work on the process of determining which Defendants will be classified as *de minimis* and non-*de minimis* for purposes of de minimis settlement offers issued by EPA to *de minimis* Defendants, and, Plaintiff has provided the basic outline and terms of confidential proposed settlement options to the Defendants.

4. However, the Parties are still awaiting the final report of U.S. EPA's third-party contractor Toeroek Associates, Inc. ("Toeroek"), and are not yet in receipt of Toeroek's final calculations or its determination of any percentage of total RWM volume at the Fansteel Site attributable to any specific Defendant. This report and analysis is necessary before proceeding with pleadings and discovery, and this Defendant, and the Parties, believe that the requested extension of time to answer or file a responsive pleading will save judicial resources, streamline this case, and may facilitate settlement discussions between the parties. *See* Dkt. 37, p. 5-6. Thus, Citigroup submits that there is good cause for the requested extension of time to answer or file a responsive pleading to the Complaint.

5. Citigroup previously filed an unopposed motion for an extension of time on May 31, 2023 [Dkt. 34] for reasons set out in that motion and also more fully in the Second Joint Status Report filed May 22, 2023 [Dkt. 31], and the Court granted that unopposed motion for an extension in its Minute Order of June 1, 2023 [Dkt. 35].

6. There is currently no scheduling order in this case, and no trial has been set, and the requested extension will not have any effect on other deadlines.

7. Counsel for Plaintiff has indicated that he consents to and has no objections to Citigroup, Inc.'s requested extension of time to Answer or otherwise respond to the Complaint.

8. A proposed Order will be submitted pursuant to the Local Rules.

**WHEREFORE, PREMISES CONSIDERED,** Defendant Citigroup, Inc. respectfully requests that the Court grant Citigroup, Inc. an extension until December 1, 2023 to file its Answer or other responsive pleading. Consistent with the Third Joint Status Report [Dkt. 37],

Citigroup, Inc. also requests that the Parties update the Court regarding the status of the case on or before November 20, 2023.

Respectfully submitted,

/s/Michael S. Linscott

William C. Anderson, OBA No. 292

Linda C. Martin, OBA No. 5732

Michael S. Linscott, OBA No. 17266

Michael J. English, OBA No. 21502

DOERNER SAUNDERS DANIEL

& ANDERSON, L.L.P.

Two West Second Street

Tulsa, OK 74103-3522

Tel: 918.591.5307 | Fax: 918.925.5307

Email: wanderson@dsda.com

lmartin@dsda.com

mlinscott@dsda.com

menglish@dsda.com

*Attorneys for Defendant Citigroup Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Gary D. Justis	gjustis@justislawfirm.com
Ethan M. Sneed	esneed@richardsconnor.com
Garrett L. Boehm, Jr	boehmg@jbltd.com
Michael J. Linneman	linnemanm@jbltd.com
Daniel M. Yukich	yukichd@jbltd.com

/s/Michael S. Linscott